

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LIFEPORT SCIENCES LLC, and	)	
LIFESCREEN SCIENCES LLC,	)	
	)	
Plaintiffs,	)	C.A. No. 13-362-GMS
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
COOK INCORPORATED and	)	
COOK MEDICAL INCORPORATED,	)	
	)	
Defendants.	)	

**DECLARATION OF RICHARD L. HORWITZ IN SUPPORT OF  
DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS**

I, Richard L. Horwitz, hereby declare:

1. I am an attorney admitted to practice before this Court, and a member of the Bar of the State of Delaware. I am a shareholder with the law firm of Potter Anderson & Corroon LLP, counsel of record for Defendants, Cook Incorporated and Cook Medical Incorporated (collectively “Defendants”), in this action. I submit this Declaration in support of Defendants’ Motion For Judgment On The Pleadings Re U.S. Patent No. 6,858,034, (“Motion For Judgment On The Pleadings”), filed contemporaneously with this Declaration in the above-captioned case.

2. Exhibit 1 to this Declaration is a true and correct copy of email correspondence between Kevin Flannery and Dominic Zanfardino dated March 11 and 12, 2013.

3. Exhibit 2 to this Declaration is a true and correct copy of Exhibit 21 to the Form 10-K (Fiscal Year Ending December 31, 2013) for Boston Scientific Corporation, obtained at <http://phx.corporateir.net/phoenix.zhtml?c=62272&p=irol-reportsannual> (last visited June 13, 2014).

Executed this 16th day of June, 2014, at Wilmington, Delaware. I declare under penalty of perjury that the foregoing is true and correct.

By: */s/ Richard L. Horwitz*  
Richard L. Horwitz (#2246)

1156050/39841

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**CERTIFICATE OF SERVICE**

I, Richard L. Horwitz, hereby certify that on June 16, 2014, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on June 16, 2014, the attached document was Electronically Mailed to the following person(s):

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